

## **EXHIBIT 86**

1 A. No.

2 Q. Now, in the plant were there fires constantly?

3 A. Oh, yes.

4 Q. And in the plant, was there dust flying around?

5 A. Too much, a lot.

6 Q. In the plant, did people lose fingers?

7 A. Yes.

8 Q. And how many fingers were lost in this plant?

9 MR. LICHTEN: Objection.

10 A. I just remember one person that lost two fingers.

11 Q. And how many faces were cut and scarred?

12 MR. LICHTEN: Objection.

13 A. I don't remember.

14 Q. Do you have any reason to believe that the union was  
15 not aware of the fires or the cuts or the people who  
16 lost fingers?

17 MR. LICHTEN: Objection.

18 A. I'm not sure.

19 Q. Well, what safety -- what did the union -- well,  
20 strike that,

21 Did the union have a bulletin board  
22 for posting notices?

23 A. No.

24 Q. Did the union ever give you any notices of meetings?

1 A. No.

2 Q. Did the union -- let me just ask it this way: Do  
3 you believe that the union discriminated against  
4 you?

5 MR. LICHTEN: Objection.

6 A. Absolutely.

7 Q. When and how?

8 A. I think that they discriminated against us because  
9 first of all, they didn't help us. Also, we were  
10 not -- they didn't tell us when the company was  
11 going to close. And every time there was some sort  
12 of a -- we had to draw up a contract or some sort of  
13 complication, they would always go to the office,  
14 their office, and spend a long time there. And then  
15 afterwards when they would come to us, they would  
16 say, "Oh, you know what? Whatever the company  
17 says."

18 Q. Now, where were you born and raised?

19 A. Puerto Rico.

20 Q. Where in Puerto Rico?

21 A. Yabucco, Puerto Rico.

22 Q. Were you treated differently there than you were in  
23 this plant?

24 MR. LICHTEN: Objection.

## **EXHIBIT 87**

1 MR. BERGER: Could you repeat the  
2 question. I got an objection that was not  
3 responsive.

4 (Question read back)

5 A. Well, because I don't speak English. I don't know  
6 any laws about this country. The only thing that I  
7 came to work at this factory and nothing else.

8 MR. LICHTEN: Objection. Move to  
9 strike as unresponsive.

10 Q. Were there a lot of fires at the plant?

11 A. Yes. There were a lot of fires. Every time, there  
12 was a lot of dust around and a lot of the chemicals.  
13 They used a lot of chemicals.

14 Q. Did the union have a poster board where they stuck  
15 notices up for you?

16 A. No, never.

17 Q. And did the union ever come to the place where you  
18 worked, where you actually worked, or did the union  
19 only go to the office where the bosses were?

20 A. The union, no. They didn't come to me. They would  
21 go to their office. They wouldn't go through the  
22 main door. They would go through a door downstairs  
23 or something, right next to the door, and they would  
24 go into their office.

## **EXHIBIT 88**

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[1] Q: And when did that merger take place?  
[2] A: That —  
[3] Q: Before '78, before you started?  
[4] A: Before '78. I'm not aware of when that  
[5] merger — I just know they came through a merger.  
[6] They were former upholstery workers.  
[7] Q: Hasn't there been a tremendous controversy  
[8] about the upholstery workers that's been in the  
[9] literature distributed to the membership, about the  
[10] work conditions of upholstery workers?  
[11] A: I'm not aware of any. Not that I recall.  
[12] Q: Well, I mean, compared to other people in  
[13] the Steelworkers the wages are very low. Do you  
[14] agree with me on that?  
[15] A: No.  
[16] Q: You don't agree with me?  
[17] A: No.  
[18] Q: Do you agree with me that compared to other  
[19] steelworkers the number, frequency and severity of  
[20] injury is very high for the upholstery workers?  
[21] A: I'm not aware of that.  
[22] Q: You don't agree with it?  
[23] A: I'm not aware of it.  
[24] Q: All right. Have you ever seen any

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[1] literature on that kind of a topic?  
[2] A: No.  
[3] Q: All right. In the literature that's been  
[4] distributed by the union to you, has there been any  
[5] written policies or procedures or any oral practices  
[6] and procedures that have been specifically directed  
[7] to people in the upholstery industry?  
[8] A: Not that I'm aware of.  
[9] Q: Have you ever worked in the upholstery  
[10] industry?  
[11] A: No.  
[12] Q: Have you ever worked on work that is  
[13] repetitive with heavy, heavy equipment that tends to  
[14] be old?  
[15] A: Yes.  
[16] Q: Okay. Now, where was that and when?  
[17] A: In H&H Brown Shoe Company.  
[18] Q: Where was that, in Brockton?  
[19] A: No. H&H Brown Shoe Company.  
[20] Q: And where was that?  
[21] A: That was in Worcester. They're no longer  
[22] in existence.  
[23] Q: Right. One I happen to know about. So  
[24] tell me about it. What was your job like?

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[1] A: Cutting. It was cutting leather. Cutting  
[2] leather for basically for Army shoes, for Army  
[3] boots.  
[4] Q: Crappy old machinery, right?  
[5] A: That's what it was. We worked on a  
[6] machine. I operated it. I operated the press.  
[7] Q: All right. Now, unless I fell off  
[8] the — strike that. Every once in a while one of  
[9] your co-workers would get badly hurt there, right?  
[10] A: I honestly don't remember.  
[11] Q: But you know the scuttlebutt about that  
[12] place, right?  
[13] A: No, I don't.  
[14] Q: Well, you probably know where I'm going  
[15] with this. I'm after your experience here. What do  
[16] you think the union should do about safety for  
[17] people who work with these crappy old machines?  
[18] MR. LICHTEN: Objection to the form.  
[19] A: What the union should do? I honestly don't  
[20] know what's —  
[21] Q: Well, you know that —  
[22] A: — expected.  
[23] Q: Well, let's — you know OSHA is there,  
[24] right?

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[1] A: Yes.  
[2] Q: Does OSHA ever do anything?  
[3] MR. LICHTEN: Objection to the form.  
[4] Q: Realistically?  
[5] MR. LICHTEN: Objection to the form.  
[6] A: I don't know; they levy fines.  
[7] Q: Well, we know that. But do they stop  
[8] people from using these crappy old machines like the  
[9] ones you saw at H&H Brown?  
[10] MR. LICHTEN: Objection to the form.  
[11] A: I don't know.  
[12] Q: Well, how about workers' comp? Does  
[13] workers' comp stop employers from using crappy old  
[14] machinery like those you experienced at H&H Brown?  
[15] MR. LICHTEN: Objection to the form.  
[16] A: I don't know.  
[17] Q: Well, they still exist, don't they, these  
[18] kinds of shops?  
[19] A: H&H Brown is out of business.  
[20] Q: I understand. Well, you know, that's  
[21] interesting. You and I probably are old enough to  
[22] know Yogi Berra with his d j vu all over again.  
[23] Tell me, didn't you get a little bit of d j vu all  
[24] over again about your H&H Brown experiences when you

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[1] went into Sherman-Feinberg?  
[2] A: No.  
[3] Q: Repetitive working, big dangerous machines?  
[4] A: No.  
[5] Q: What does the Steelworkers union advise you  
[6] to do in your job now with respect to safety issues?  
[7] A: Address them if you become aware of them.  
[8] Q: How did you do that here? How did you  
[9] address them here?  
[10] A: I wasn't aware of any safety issues.  
[11] Q: Did you ever ask for records involving  
[12] safety at this plant?  
[13] A: No.  
[14] Q: Did you ever hear any scuttlebutt about  
[15] safety issues in this plant?  
[16] A: No.  
[17] Q: Did you ever get any reports from the  
[18] health and welfare part of the Steelworkers union  
[19] about health problems in any plant or region under  
[20] any circumstances?  
[21] A: Sometimes.  
[22] Q: Would you make those available to me  
[23] through your counsel —  
[24] A: I don't know if I kept —

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[1] A: I'm sure they do, yeah.  
[2] Q: Are you on it?  
[3] A: No.  
[4] Q: Who's on it?  
[5] A: I'm not aware of who's on that committee.  
[6] Q: Is there anyplace where I could find a  
[7] letterhead with the people who are on that?  
[8] A: Maybe, maybe not. I don't attend local  
[9] meetings for any of that.  
[10] Q: I got a couple of pieces of paper today.  
[11] One says — it's a letter to Santiago Perez that  
[12] says, "Please be advised that effective immediately  
[13] Lowell F. Alexander, Staff Representative will be  
[14] assuming all duties and responsibilities relative to  
[15] Farnsworth Fibre Corp. Local Union 421U-6."  
[16] What does this U thing mean when they say  
[17] "U"? Does that mean union?  
[18] A: Some are — oh, that's a designation for a  
[19] former upholstery worker local.  
[20] Q: And why was this letter sent, if you know?  
[21] A: To notify the person of record that I was  
[22] going to be servicing the local.  
[23] Q: Was that your first contact with them, with  
[24] the Farnsworth Fibre group, or had you met them

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[1] Q: — under Rule 26?  
[2] A: I don't know if I kept them.  
[3] Q: Okay. Where are they issued from?  
[4] A: Probably Health.  
[5] Q: From Pittsburgh?  
[6] A: Yeah.  
[7] Q: And who sends them to you?  
[8] A: Health and Safety, I believe.  
[9] Q: Pardon me?  
[10] A: Health and Safety.  
[11] Q: Okay. Now, are there health and safety  
[12] committees within the union itself?  
[13] A: Some locals have them. Some locals don't.  
[14] Q: Okay. Do you have one in your local?  
[15] MR. LICHTEN: Well, what's "your local"?  
[16] MR. BERGER: Pardon me?  
[17] MR. LICHTEN: I don't know what "your  
[18] local" means.  
[19] Q: Are you a member of any local right now?  
[20] A: Yes.  
[21] Q: Okay. What local is that?  
[22] A: 1204.  
[23] Q: Do you have a health and safety committee  
[24] within your local?

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[1] before January 30, 2002?  
[2] A: I don't believe I met them. They may have  
[3] been at a conference or something at that point.  
[4] Q: So you were sort of new on the job?  
[5] A: I was new servicing them.  
[6] Q: Okay. Who had serviced them over the  
[7] years?  
[8] A: I couldn't tell you.  
[9] Q: Was it Louis Thomas?  
[10] A: No.  
[11] Q: Was it Michael Nixon?  
[12] A: No.  
[13] Q: Was it Albert Polk?  
[14] A: No.  
[15] Q: And is your boss Albert Polk?  
[16] A: He's the subdistrict director.  
[17] Q: And Louis Thomas, is he your boss?  
[18] A: He was the director.  
[19] Q: And do you take orders from them?  
[20] A: Yes, I guess so. I have to say yes.  
[21] Q: Do they keep a personnel file for you?  
[22] A: I wouldn't — I don't know.  
[23] Q: Okay. Well, I'd like to request it through  
[24] your counsel, if it's available, your personnel



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[1] we provided what we could.  
[2] Q: What was done for prevention?  
[3] A: At our district conference and our  
[4] educational conference, we also had health and  
[5] safety programs —  
[6] Q: When would this —  
[7] A: — that are put on.  
[8] Q: — group have met?  
[9] A: District conferences are usually held every  
[10] year —  
[11] Q: Tell me —  
[12] A: — minimum every two years.  
[13] Q: Tell me about the district conferences.  
[14] How do they work?  
[15] A: Members are invited to the district  
[16] conference. People from the locals come to the  
[17] district conferences. You put on educational  
[18] programs for the financial officers. You put on  
[19] educational programs for the health and safety  
[20] officers. You put on educational programs for the  
[21] civil rights officers.  
[22] Q: Now, did any of the employees from  
[23] Feinberg, from Sherman-Feinberg ever go to any of  
[24] those meetings?

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[1] A: I don't know.  
[2] Q: Did you ever see one of them? I mean, did  
[3] you ever see anybody from this plant at any of  
[4] those? Just give me a single one of them.  
[5] A: You're talking about sometimes hundreds of  
[6] people. I wouldn't know.  
[7] \*Q. Now, was the notice of those safety  
[8] meetings set out in Spanish?  
[9] \*A. Not that I'm aware of, no.  
[10] Q: I'm confused about it.  
[11] MR. BERGER: Excuse me. I've really got  
[12] to — I have to go to the bathroom. Could I just  
[13] have one minute.  
[14] (Recess taken)  
[15] MR. BERGER: Could you just read the last  
[16] question and answer back.  
[17] \*(Record read)  
[18] BY MR. BERGER:  
[19] Q: Did the union ensure that this employer  
[20] provided frequent and regular inspections of the job  
[21] site?  
[22] A: No.  
[23] Q: How about for the job site materials?  
[24] A: Not that I'm — no.

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[1] Q: How about for the job site equipment?  
[2] A: No.  
[3] \*Q. How about for inspections by competent  
[4] persons to fulfill its accident prevention  
[5] responsibilities?  
[6] A: I don't quite understand it. You say  
[7] "fulfill its accident prevention" —  
[8] Q: Yes.  
[9] MR. BERGER: Could you read that back.  
[10] THE WITNESS: Yeah, could you.  
[11] \*(Question read)  
[12] A: The company's accident or the union's  
[13] accident responsibilities?  
[14] Q: Well, the company for the union members.  
[15] That's what I'm trying to get out.  
[16] A: No. I'm just trying to clarify the  
[17] question.  
[18] Q: Yes.  
[19] A: No.  
[20] Q: What ventilation systems were in place at  
[21] Sherman-Feinberg for the employees who are members  
[22] of the union?  
[23] A: I do not know.  
[24] Q: Did you ever hear any complaints about

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[1] them?  
[2] A: Nope.  
[3] Q: Now, did Sherman-Feinberg Corporation ever  
[4] develop a fire protection program at the behest of  
[5] the union?  
[6] A: I don't know. Not that I'm aware of.  
[7] Q: Well, was the union unaware of fires at  
[8] this plant?  
[9] A: Yes.  
[10] Q: Was the union unaware of people who lost  
[11] their fingers at this plant?  
[12] A: Yes.  
[13] Q: Now, you say that based on your review of  
[14] the written materials before this deposition as well  
[15] as your own personal experience?  
[16] A: Based upon — I say that based upon nothing  
[17] that was ever reported to me —  
[18] Q: Okay.  
[19] A: — in the time that I serviced that unit.  
[20] Q: And when you worked for the gas company —  
[21] A: Yes.  
[22] Q: — if there was a catastrophic injury and  
[23] when you were union president, did you hear about  
[24] it, somebody having a bad accident?

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[1] A: Usually, yes.  
[2] Q: How would the word get around to you as  
[3] union president?  
[4] A: Depending upon where it was, I would hear  
[5] from one of the stewards or you hear it from one of  
[6] the co-workers, or if it happened you may hear it at  
[7] the local meeting.  
[8] Q: And I take it once — you know, you  
[9] mentioned that occasionally you would follow through  
[10] with trying to get to the bottom of the problem?  
[11] A: Well, to find out what happened and more to  
[12] find out if the person was okay and if there was  
[13] anything else we could do for them.  
[14] Q: I'd like you to assume a fact which I  
[15] believe to be true. Would you assume the fact that  
[16] some people here were badly injured.  
[17] A: Okay.  
[18] Q: Do you have any reason that you can think  
[19] of that it didn't get back to the union?  
[20] MR. LICHTEN: I object to that. You can  
[21] answer, if you can.  
[22] A: I don't know.  
[23] Q: Is that too speculative?  
[24] A: I don't know why, no.

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[1] A: Not that I'm aware of.  
[2] MR. LICHTEN: Hold on.  
[3] (Discussion off the record)  
[4] MR. LICHTEN: For the record, I've asked my  
[5] secretary to check on the PACER system. She checked  
[6] yesterday, and she checked today, and they don't  
[7] have Mr. Diaz as a counsel of record in the case,  
[8] and, therefore, I don't think I'm allowed to agree  
[9] to having him ask questions.  
[10] MR. BERGER: What if we fax over a notice  
[11] of appearance right now?  
[12] MR. DIAZ: Well, what we can do is — this  
[13] is on the record. John Diaz. I was present at the  
[14] pretrial, and I had filed my appearance, but it  
[15] obviously doesn't show up. Until we take corrective  
[16] action, I can suspend asking any questions and just  
[17] reserve the right to renote the depo and take it.  
[18] MR. BERGER: Or we can — I mean, Harold,  
[19] you weren't at the pretrial conference, and as a  
[20] result of your not being there, I think it's a  
[21] little unfair that you're taking advantage of the  
[22] situation, and that is the only thing that's going  
[23] on here, because I know he filed the appearance,  
[24] because I was there. Judge Tauro would be more than

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[1] (Mr. Diaz enters the room)  
[2] (Discussion off the record)  
[3] (Recess taken)  
[4] BY MR. BERGER:  
[5] Q: Did the union develop a fire protection  
[6] program for this plant?  
[7] A: Not during the time that I serviced them.  
[8] Q: Pardon?  
[9] A: Not during the time that I serviced them.  
[10] Q: Did you review the records that were  
[11] available to you before this deposition, the written  
[12] records of someone who was there before you?  
[13] A: No.  
[14] Q: Who serviced this account before you?  
[15] Well, who was the union rep for this before you?  
[16] A: I don't know.  
[17] Q: Did you determine whether there were fire  
[18] extinguishers at the plant?  
[19] A: No, I did not.  
[20] Q: Did you — did the union take any steps to  
[21] ensure that the employer provided a fire  
[22] extinguisher graded not less than 2A?  
[23] (Interruption)  
[24] MR. LICHTEN: Excuse me.

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[1] interested in this, so I'm going to suspend —  
[2] actually, what I suggest is that we talk to Judge  
[3] Tauro right now.  
[4] MR. DIAZ: Attorney Berger, I have no  
[5] problem suspending, just making sure of my  
[6] appearance and then suspending it and just  
[7] renoting the depo. I have no problem doing that.  
[8] MR. BERGER: But he's limited the  
[9] depositions to only two people.  
[10] MR. DIAZ: I know, but you can suspend,  
[11] okay, and then I can — once I have my appearance,  
[12] there is no question that I reserve my right, and  
[13] then I'm sure —  
[14] MR. BERGER: Well, do you think we should  
[15] raise it with Judge Tauro now, because I know he's  
[16] going to remember you were there.  
[17] MR. DIAZ: Yeah.  
[18] MR. BERGER: And I think he's going to  
[19] remember that this other lawyer wasn't there.  
[20] MR. DIAZ: I'll leave that up to you all to  
[21] decide. I have no problems until that's cleared up.  
[22] MR. LICHTEN: My suggestion would be that  
[23] you finish your questions, and we'll see where we  
[24] are, Mr. Berger.

## **EXHIBIT 89**

1 MR. LICHTEN: Objection.

2 A. I thought that well, like I said before, that before  
3 the union would speak to him, that first, they would  
4 go to their office.

5 Q. Now, do you think that their going to the office  
6 instead of dealing with you was discriminatory with  
7 respect to you and with respect to the workforce?

8 MR. LICHTEN: Objection.

9 A. Yes.

10 Q. Could you explain why.

11 MR. LICHTEN: Objection.

12 A. Because he would go to the office and whatever the  
13 office would say, that's what they would tell us  
14 that's what -- us do.

15 Q. Is it safe to say that you and the other Hispanic  
16 workers were denied a voice in the process?

17 MR. LICHTEN: Objection.

18 A. Yes.

19 Q. And do you believe that the motive for doing that  
20 was to keep your wages as Hispanics very, very low?

21 MR. LICHTEN: Objection.

22 A. Yes.

23 Q. And do you see the attorney laughing?

24 A. Yes.

1 Q. Does that seem insulting to you?

2 A. Yes.

3 Q. Is it a form of intimidation or humiliation being  
4 expressed --

5 MR. LICHTEN: Mr. Berger, you're  
6 getting a little out of control here.

7 A. Yes.

8 MR. BERGER: Could I get the last  
9 question before the laughter.

10 (Question read)

11 Q. Can you answer that, please.

12 A. No. I don't think so, but since we all have rights,  
13 the fact that we're Hispanics and we didn't speak  
14 the language, they would take vengeance on us  
15 because of that.

16 Q. Take advantage of you?

17 THE INTERPRETER: Vengeance.

18 Q. Okay. But do you mean take advantage of you?

19 A. Yes, like discriminating me.

20 Q. Now, did the union similarly act in a way that was  
21 motivated to get your union contributions without  
22 shaking the boat with the employer at this point?

23 MR. LICHTEN: Objection.

24 A. No. The first thing they would do is they would go

1 to the office first and would talk to the people in  
2 the office. And for instance, we would ask for,  
3 like, a dollar raise or something like that, they  
4 would say no, no. We'll give them 15, 20 cents.

5 Q. Okay. And do you think this was as a result of the  
6 fact that the workforce was entirely Hispanic?

7 MR. LICHTEN: Objection.

8 A. Yes.

9 Q. Now, at any time, did the union invite any of you  
10 Hispanic workers to their quarterly -- excuse me.

11 Did the union ever invite you or any  
12 of your Spanish coworkers to their quarterly  
13 meetings?

14 A. No.

15 Q. Why not?

16 A. That I know of, because they would negotiate amongst  
17 themselves.

18 Q. Now, did the union ever put up bulletin board for  
19 you to give you information about anything?

20 A. No.

21 Q. Did the union provide any assistance to you about  
22 the people who had suffered injuries like loss of  
23 fingers, cutting of the face, and this kind of  
24 thing?

1 MR. LICHTEN: Objection.

2 A. No.

3 Q. Tell me, is there any doubt in your mind whether  
4 they know about people who had lost their fingers  
5 and people who had been cut on their face?

6 MR. LICHTEN: Objection.

7 A. Yes, I know I've seen them. There have been many  
8 accidents there.

9 MR. LICHTEN: Move to strike. Not  
10 responsive.

11 Q. So you observed many accidents?

12 MR. LICHTEN: Objection.

13 A. Yes.

14 Q. Can you tell us about what you observed.

15 A. There was the accident with Jose Ortiz. I was  
16 present then when the machine cracked [verbatim]  
17 his finger.

18 Q. And did he scream?

19 A. No. He didn't scream, but he was, like, holding it  
20 in.

21 Q. In fact, didn't the employer make him work an extra  
22 15 minutes before he was relieved?

23 MR. LICHTEN: Objection.

24 A. No, no.

1 Q. How did it work? What happened?

2 A. He was cleaning the machine, and afterwards, the  
3 machine was still running, and then the machine  
4 cracked his finger, cut it.

5 Q. And how old was that machine?

6 MR. LICHTEN: Objection.

7 A. An antique.

8 Q. A hundred years; do you think?

9 A. Yeah.

10 Q. Did the union ever look at any of machines like this  
11 one where this accident happened?

12 A. No.

13 Q. You were going to describe other injuries that  
14 happened there?

15 A. Yes. There were people there too.

16 Q. Now, did the union ever make sure that the plant  
17 complied with federal laws like the Occupational  
18 Safety Act?

19 MR. LICHTEN: Objection.

20 A. I don't know. I don't know.

21 Q. Okay. Well, did the union make sure that the  
22 federal safety laws were complied with?

23 MR. LICHTEN: Objection.

24 A. No.



1 Q. Did they ever come to see whether any of you were  
2 protected from the fires?

3 MR. LICHTEN: Objection.

4 A. No.

5 Q. And how about for the handling of paints and  
6 chemicals?

7 A. No.

8 Q. Did, in your opinion, the union care about what  
9 happened to the safety of the people in this plant  
10 that consisted solely of Hispanics?

11 MR. LICHTEN: Objection.

12 A. No. They never cared for anything, no.

13 Q. And you're not a member of the Upholstery Workers  
14 Union, are you? You're a member of the Steelworkers  
15 union?

16 MR. LICHTEN: Objection.

17 A. Yes.

18 Q. You were in the Steelworkers union; right?

19 A. Yes.

20 Q. At any time, did the Steelworkers union provide you  
21 any training, especially someone like you, who had  
22 been the supervisor so that you could have more  
23 skills in the workplace?

24 MR. LICHTEN: Objection.

1 A. No.

2 Q. Now, some individual was cut by a grinder and cut  
3 three fingers -- were cut. I think it was an  
4 earlier testimony. It was Jose Ortiz's uncle?

5 MR. LICHTEN: Objection. Move to  
6 strike.

7 Q. Do you know anything about that?

8 A. No. I knew of Jose Ortiz, that he cut his finger.

9 Q. And how about Mr. Baez; did you know about his  
10 accident?

11 MR. LICHTEN: Objection.

12 A. No.

13 Q. Were there some grinder machines there?

14 A. Yes.

15 Q. How old were they?

16 A. They're old. They're antique. They're so old they  
17 don't even have replacement parts or pieces for  
18 those machines.

19 Q. And would you be surprised that somebody cut three  
20 of their fingers on a machine like that?

21 MR. LICHTEN: Objection.

22 Q. Is this gentleman laughing at you?

23 MR. LICHTEN: Again, I'm smiling at  
24 your question that you would ask someone to engage

1 A. Because they would never help us.

2 Q. Please explain what you mean.

3 A. Because on certain occasions, I was obligated -- we  
4 were obligated to work overtime. And sometimes,  
5 they would make us -- make me extinguish fires by  
6 ourselves. Sometimes I would have to get on top of  
7 a room myself to extinguish a fire on top of a  
8 machine, and all of that smoke, I was inhaling.

9 Q. In effect, did the union exploit you the way  
10 employers exploit Hispanic workers?

11 MR. LICHTEN: Again, I think your  
12 questions are completely --

13 MR. BERGER: You cannot put the sock  
14 in someone's mouth. Please let the man answer.

15 MR. LICHTEN: For the record, I think  
16 your questions are inappropriate. They're out of  
17 bounds and sanctionable.

18 MR. BERGER: I think everything that  
19 you did in the hallway borders on the ridiculous.  
20 Screaming at another lawyer in the hallway. I was  
21 embarrassed for you. So don't preach at me.

22 THE INTERPRETER: I'm sorry. Could  
23 you repeat the question, please.

24 (Question read)

## **EXHIBIT 90**

1     them. I had told them about the roller, you know,  
2     the one that spins -- the material was put on this  
3     conveyor. And then the roller was taking the  
4     material down, but when the roller didn't turn for  
5     some reason, it got stuck, you know, then the  
6     material gets stuck there, and then the blade,  
7     okay, was sort of shaking.

8                     And then when they told me -- and  
9     then when I hit that part with the bar so it would  
10    roll again, so it would turn, the blade came down  
11    and -- the tool hit the roller and it snapped, and  
12    it hit me in the face.

13            Q     How long had you worked on this machine?

14            A     (Through the Interpreter) Approximately  
15    for like two years.

16            Q     And you were familiar with the machine?

17            A     (Through the Interpreter) Yes.

18            Q     Was the machine over 100 years old?

19            A     (Through the Interpreter) Approximately.

20            Q     And why do you say that?

21            A     (Through the Interpreter) I don't know  
22    the year exactly that it was made, but it looked  
23    old, like an old machine.

24            Q     Very, very old?

1           A       (Through the Interpreter) Yes, yes.

2           Q       Now, when Mr. Alexander came to your  
3 plant, did he look around?

4           A       (Through the Interpreter) No, no, I never  
5 saw him. I never saw him walking around.

6           Q       And when you worked there, did this place  
7 remind you of hell?

8                   MR. LICHTEN: Objection.

9           A       (Through the Interpreter) Yes.

10          Q       Why?

11                   MR. LICHTEN: Objection.

12          A       (Through the Interpreter) Because it was  
13 really hot. There was two ovens that were on all  
14 the time, like 300 degrees, each one.

15                   There was no ventilation, and there  
16 was a lot of -- there was always this smoke all the  
17 time, and there was always a lot of dust, a lot of  
18 dust.

19          Q       How much of your paycheck went to the  
20 union?

21          A       (Through the Interpreter) I don't  
22 remember really how much they would deduct from my  
23 salary.

24          Q       Okay.

# **EXHIBIT 91**

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[1] Stones?  
[2] **MR. LICHTEN:** That's a yes or no question.  
[3] **A:** October, no, I don't believe.  
[4] **Q:** Okay. What did your union lawyer say, and  
[5] what did you say to your union lawyer?  
[6] **MR. LICHTEN:** I'm instructing the witness  
[7] not to answer that.  
[8] **MR. BERGER:** Do you mind putting the basis  
[9] on the record.  
[10] **MR. LICHTEN:** It's the attorney-client  
[11] privilege.  
[12] **Q:** What did you seek advice for?  
[13] **MR. LICHTEN:** I'm instructing the witness  
[14] not to answer that.  
[15] **Q:** Did you receive advice from your legal  
[16] counsel?  
[17] **MR. LICHTEN:** You can answer that yes or  
[18] no.  
[19] **A:** Yes.  
[20] **Q:** And as a result of the advice you received,  
[21] what did you do?  
[22] **A:** We met with the membership, met with the  
[23] company, met with the membership again.  
[24] **Q:** Okay. In the meetings what did you say,

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[1] and what did the membership say?  
[2] **A:** The membership was concerned about — they  
[3] brought up — one person brought up the conversion  
[4] to condominiums.  
[5] **Q:** Okay. And what did you do after you heard  
[6] about some member's claim about condominium  
[7] conversion?  
[8] **A:** We would address it with the company.  
[9] **Q:** Who did you address it with?  
[10] **A:** Mr. Doucette.  
[11] **Q:** And what did Mr. Doucette say?  
[12] **A:** I don't recall. I don't recall exactly  
[13] what he said.  
[14] **Q:** Did he deny that there was going to be a  
[15] condo conversion in regard to the closing of the  
[16] plant?  
[17] **A:** I honestly — I do not remember what he  
[18] said.  
[19] **Q:** Okay. Did Mr. Doucette say that he was  
[20] going to — or did you understand that Mr. Doucette  
[21] was going to comply with the law in every necessary  
[22] way in regard to the closing of Farnsworth Fibre  
[23] Corporation and the Sherman-Feinberg Corporation?  
[24] **MR. LICHTEN:** Objection to the form.

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[1] **A:** Yes.  
[2] **\*\*Q:** Now, how did you follow up to ensure that  
[3] there was full compliance with the law in regard  
[4] to — in regard to the closing of Farnsworth Fibre  
[5] Corporation and Sherman-Feinberg Corporation?  
[6] **A:** I guess I don't quite understand what it is  
[7] that you're asking.  
[8] **MR. BERGER:** Would you mind repeating the  
[9] question to the witness.  
[10] **\*(Question read)**  
[11] **\*\*A:** Without knowing what Sherman-Feinberg did  
[12] or didn't do...  
[13] **MR. BERGER:** Could I get the question and  
[14] answer back. I'm confused.  
[15] **\*(Record read)**  
[16] **Q:** So you don't know?  
[17] **A:** No.  
[18] **Q:** Okay. Now, did the union submit any  
[19] grievances over the termination of employees?  
[20] **A:** Nothing specific on termination, no.  
[21] **Q:** Did Sherman-Feinberg — excuse me. Did the  
[22] union file any grievances over severance benefits?  
[23] **A:** No.  
[24] **Q:** Did Sherman union — did the union file

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[1] grievances over anything other than bumping on the  
[2] basis of seniority, report pay and medical insurance  
[3] coverage?  
[4] **A:** No.  
[5] **Q:** Okay. Did you advise Mr. Ortiz to file  
[6] grievances in regard to severance at any time after  
[7] mid October 2004?  
[8] **A:** No.  
[9] **Q:** Did you discuss it with him in any way?  
[10] **A:** Yes.  
[11] **Q:** What did you say?  
[12] **A:** It's not in the contract. There was no  
[13] provision in the contract for severance.  
[14] **Q:** Now, in your education, employment and  
[15] experience, do you ever grieve things that are not  
[16] within the four corners of the collective bargaining  
[17] agreement?  
[18] **A:** Tell me what you mean by "four corners."  
[19] **Q:** You know, within the terms of the  
[20] collective bargaining agreement.  
[21] **A:** Yes.  
[22] **Q:** When?  
[23] **A:** In past practice.  
[24] **Q:** So you — should this ever go to somebody



## **EXHIBIT 92, 93, 94**

1 contract -- in the various contracts it negotiated?

2 A. No, I wasn't.

3 Q. And do you recall that every time a contract was  
4 negotiated, the members would take a vote whether to  
5 accept the contract or to reject the contract?

6 A. Almost always, the guy from the union would say to  
7 us, "Look. You have to accept it and that's all  
8 there is."

9 Q. Sure. And my question is --

10 MR. BERGER: Did you get that "sure"  
11 on the record?

12 (Discussion off the record)

13 Q. My question is: Did the union members get a chance  
14 to vote whether to reject or accept the contract  
15 each time a new contract was negotiated?

16 A. We didn't have any other alternative because the guy  
17 from the union would say to us, "Look. That's all  
18 there is and there's no more."

19 Q. Okay. So I'm still -- I'm not sure I understand.

20 My question is: Was there a vote  
21 taken to see yes, accept the contract or no, to  
22 reject the contract?

23 MR. BERGER: Objection to the form of  
24 the question.

1     A.    No.  There was no opportunity to do so.  Always, the  
2           decision was theirs, and they would say that's all  
3           there is.

4     Q.    So your testimony is there was no vote on any of the  
5           contracts?

6     A.    No.  We wouldn't.  I would only do what they tell us  
7           to do.

8     Q.    Let me talk about the last contract.  Did you get a  
9           copy of the last contract in Spanish?

10    A.    I don't remember at this moment.

11    Q.    Okay.  Do you remember that Mr. Ortiz and  
12           Mr. DeJesus participated in the negotiating at the  
13           last contract that you had at Farnsworth Fibre?

14    A.    Well, yes.  Mr. Ortiz was talking, was with them.

15    Q.    When you were presented with the last contract in  
16           the fall of 2002, do you remember if Mr. Ortiz or  
17           Mr. DeJesus spoke either for or against the new  
18           contract?

19    A.    No.  Almost never, nobody was happy.  Nobody was  
20           content with it.

21    Q.    Let me ask my question again.  My question is:  When  
22           the last contract was presented to you, do you  
23           recall Mr. Ortiz or Mr. DeJesus saying anything, one  
24           way or the other, about the contract?

## **EXHIBIT 95**

1           needed, what they wanted, and I would just get it.

2                       MR. BERGER: Can I get that answer  
3           back, please.

4                       (Question read)

5    A.    Yes, because we would make the wata.

6                       THE INTERPRETER: W-A-T-A. It's a  
7           colloquialism for the mattresses.

8                       MR. BERGER: Can I get that back?

9                       THE INTERPRETER: Yes, because I  
10          would make the wata. If I may, that's a word that  
11          everybody uses, and they made it up. It's a  
12          colloquialism. W-A-T-A. That's the way it is --  
13          for the mattresses. Later on, if you like, we can  
14          inquire what that is.

15   Q.    When you were the supervisor, did you understand  
16          whether you were still in the union and part of the  
17          union or not?

18   A.    No. I was in the union.

19   Q.    And do you recall the last union contract being  
20          negotiated in the fall of 2002?

21   A.    Yes.

22   Q.    And do you recall a meeting called to discuss either  
23          to accept or reject that union contract?

24   A.    Yes. I was there at the meeting, but we would only

1           have to take exactly what the company would tell us  
2           to do.

3       Q.   Do you recall whether there was a vote of some type?

4       A.   No.   When we would vote with the union there, they  
5           would tell us we had to take whatever this company  
6           is offering.

7       Q.   My question is: Was there a vote?

8       A.   You mean, take the union or what the union said?

9       Q.   No.   My question is: Was there a vote whether to  
10          accept or reject the contract?

11      A.   We voted. And then we told them what we wanted, and  
12          then when the union come over and spoke to the  
13          company, the union told us you have to take what the  
14          company is offering you.

15      Q.   Okay. Do you remember Mr. Alexander, the black man,  
16          coming to a meeting in the fall of 2002 to discuss  
17          the last contract?

18      A.   Yes. I believe so, yes.

19      Q.   And do you remember Mr. Ortiz and Mr. DeJesus being  
20          at the meeting?

21      A.   DeJesus, I'm not quite sure because he had been  
22          fired, Jose Ortiz, yes.

23      Q.   Do you remember anything that Mr. Ortiz said in the  
24          meeting about the contract?

## **EXHIBIT 96**

1 MR. LICHTEN: Objection.

2 THE INTERPRETER: Sorry?

3 MR. BERGER: So he wouldn't sell you out?

4 THE INTERPRETER: I can't translate "sell  
5 you out." That means that you're going to take him  
6 and sell him?

7 A. He wouldn't push you under the bus?

8 MR. LICHTEN: Objection.

9 A. No, no, no.

10 Q. Now, one of your colleagues said that you guys were  
11 treated by the union like dogs.

12 MR. LICHTEN: Objection.

13 Q. Do you agree?

14 A. Yes, right.

15 Q. Another one of your colleagues said that the place  
16 was like hell.

17 MR. LICHTEN: Objection.

18 Q. Do you agree?

19 A. Yes. There was a lot of dust and everything.

20 Q. And you know that a few of the people who worked  
21 there have lost fingers?

22 MR. LICHTEN: Objection.

23 A. Yes.

24 Q. And some of them have scars on their face?



1 MR. LICHTEN: Objection.

2 A. Yes.

3 Q. Where did you grow up?

4 A. Puerto Rico, Rio Grande.

5 Q. And what did your father do?

6 A. Construction.

7 Q. Did he ever tell you about working in a place as  
8 dangerous as this place?

9 MR. LICHTEN: Objection.

10 A. No, because he's never been to U.S.

11 Q. Have you had a chance to tell him about the work  
12 conditions you've worked in?

13 MR. LICHTEN: Objection.

14 A. Yes. I tell him that I worked at a factory, but I  
15 wouldn't give him any specifics.

16 Q. Was this the worst workplace you've ever worked?

17 MR. LICHTEN: Objection.

18 A. Yes.

19 Q. And did you get anything from the dues you paid to  
20 the union to make your life better?

21 MR. LICHTEN: Objection.

22 A. Nothing, nothing.

23 Q. Let me ask you this question which is hard for me to  
24 ask. Let me try.

## **EXHIBIT 97**

1     them. I had told them about the roller, you know,  
2     the one that spins -- the material was put on this  
3     conveyor. And then the roller was taking the  
4     material down, but when the roller didn't turn for  
5     some reason, it got stuck, you know, then the  
6     material gets stuck there, and then the blade,  
7     okay, was sort of shaking.

8                     And then when they told me -- and  
9     then when I hit that part with the bar so it would  
10    roll again, so it would turn, the blade came down  
11    and -- the tool hit the roller and it snapped, and  
12    it hit me in the face.

13            Q     How long had you worked on this machine?

14            A     (Through the Interpreter) Approximately  
15    for like two years.

16            Q     And you were familiar with the machine?

17            A     (Through the Interpreter) Yes.

18            Q     Was the machine over 100 years old?

19            A     (Through the Interpreter) Approximately.

20            Q     And why do you say that?

21            A     (Through the Interpreter) I don't know  
22    the year exactly that it was made, but it looked  
23    old, like an old machine.

24            Q     Very, very old?

1           A       (Through the Interpreter) Yes, yes.

2           Q       Now, when Mr. Alexander came to your  
3 plant, did he look around?

4           A       (Through the Interpreter) No, no, I never  
5 saw him. I never saw him walking around.

6           Q       And when you worked there, did this place  
7 remind you of hell?

8                   MR. LICHTEN: Objection.

9           A       (Through the Interpreter) Yes.

10          Q       Why?

11                   MR. LICHTEN: Objection.

12          A       (Through the Interpreter) Because it was  
13 really hot. There was two ovens that were on all  
14 the time, like 300 degrees, each one.

15                   There was no ventilation, and there  
16 was a lot of -- there was always this smoke all the  
17 time, and there was always a lot of dust, a lot of  
18 dust.

19          Q       How much of your paycheck went to the  
20 union?

21          A       (Through the Interpreter) I don't  
22 remember really how much they would deduct from my  
23 salary.

24          Q       Okay.

## **EXHIBIT 98**

1 the union steward over the years you were there?

2 A (Through the Interpreter) Yes. I met  
3 Papo, P-A-P-O, and then another guy's last name was  
4 Martinez.

5 Q During the 21 years that you were at  
6 Farnsworth Fibre, did you ever go to any of the  
7 union stewards and ask them to file a complaint or  
8 grievance on your behalf regarding something at the  
9 plant?

10 A (Through the Interpreter) No, because --  
11 no, because at that place if you complain, they  
12 will fire you. They will get rid of you. And as a  
13 person, you would be afraid talking to a  
14 representative there.

15 Q Okay. So let's just break this down  
16 first.

17 Do I understand your answer to be  
18 that you never attempted to file a complaint or a  
19 grievance?

20 MR. BERGER: Objection. Move to  
21 strike. That really is not what the gentleman  
22 said.

23 THE INTERPRETER: I'm sorry.

24 MR. BERGER: And I'm going to

1                   Did you ever make a complaint like  
2 this or any other complaint to Mr. Ortiz?

3           A       (Through the Interpreter) No. No,  
4 because it wasn't worth it. They weren't going to  
5 do anything about it. At that place, you know, you  
6 were under threat.

7                   My sister, she died in New York, and  
8 for me to be able to get that time off to go see  
9 her after she was dead, then I have to bring a  
10 death certificate to the boss right there to show  
11 him so he would give me a week. Otherwise, I would  
12 be fired.

13           Q       Let me see if I understand.

14                   Did you believe that if you made a  
15 complaint or filed a grievance, you would be  
16 disciplined or fired?

17           A       (Through the Interpreter) Yes.

18           Q       Okay.

19                   Did any --

20           A       (Through the Interpreter) That's the way  
21 it was.

22           Q       Okay.

23                   Did anyone ever tell you that?

24           A       (Through the Interpreter) I would say

1 hospital. And if I went there to the hospital for  
2 the seven days, they wouldn't pay me for it.

3 Q Let me ask you this way.

4 Did you ever make a claim for  
5 workers' compensation from the company?

6 A (Through the Interpreter) No, no.

7 Q During the time that you worked at  
8 Farnsworth Fibre, did you ever make a complaint to  
9 anyone, that is, the union or managers at the  
10 company, about the working conditions at Farnsworth  
11 Fibre or about safety conditions?

12 A (Through the Interpreter) No.

13 Because I'm telling you, you know, it  
14 wasn't even worth it, I mean, to complain, you  
15 know?

16 We needed -- I needed the job. You  
17 understand?

18 Q Do you remember what Mr. Alexander said  
19 at this meeting that you attended when he was  
20 there, what he said to you all through the  
21 interpreter?

22 A (Through the Interpreter) I don't  
23 remember. I don't remember.

24 Q Do you remember him saying through the



1 the situation in the plant "that's the way it was"?

2 A (Through the Interpreter) Yes, exactly.

3 Q What did that mean?

4 MR. LICHTEN: Objection.

5 A (Through the Interpreter) Well, because  
6 of the pressure that we had there, that they put on  
7 us there, you sort of forgot to complain.

8 And since everyone there needed the  
9 job -- because for them at that location, they  
10 didn't give a shit about the union. They would  
11 just, like, fire anybody they would want.

12 Q Now, was there any union presence at the  
13 plant?

14 A (Through the Interpreter) Jose Ortiz, the  
15 last one.

16 Q All right.

17 A (Through the Interpreter) Yes. He would  
18 do everything possible to try to help us, but, you  
19 know, when he spoke to them, you know, it was no  
20 use.

21 Q So is it -- contrary to what you were led  
22 to say earlier --

23 MR. LICHTEN: Objection.

24 Q -- is it your position that your major

1 complaint here is with the union and not with Jose  
2 Ortiz?

3 MR. LICHTEN: Objection.

4 A (Through the Interpreter) Exactly. Yes,  
5 exactly, because --

6 Yes, because we were discriminated  
7 against there. Nobody would help us. Whatever the  
8 bosses would say, that's what they do.

9 Q Okay.

10 Now, what do you mean by you being  
11 discriminated against?

12 A (Through the Interpreter) Well, they  
13 would have us there, like, they would treat us like  
14 slaves.

15 They would say to you, Look, you got  
16 to work tomorrow morning. You got to do overtime  
17 whether you want to or not, and we had to do it.

18 Q One of the other witnesses agreed with me  
19 that the place was like hell.

20 Do you agree with me, and, if so,  
21 how?

22 MR. LICHTEN: Objection.

23 A (Through the Interpreter) Of course, yes.

24 Q In what ways was it like hell?

## **EXHIBIT 99**

1 get your pension money back?

2 A. Yes, because it triggered us with -- they  
3 discriminated us. They treated us like garbage.  
4 They treated us like nobody. We paid our union dues  
5 for so many years, and they never gave us any sort  
6 of support, any help, and they didn't represent us  
7 in any way.

8 Q. Now let me get back to the question that I asked.  
9 The question was -- you told me that when you were  
10 at this meeting, the Steelworker representatives  
11 told you that if you wanted to get your pension  
12 money back you would have to see an attorney about  
13 that.

14 My question is: Did you attempt to  
15 see an attorney about getting your pension money  
16 back?

17 A. I looked for an attorney so he would defend my  
18 rights because they treated us like garbage, and we  
19 were discriminated against.

20 Q. Let me ask it this way: Do you understand that you  
21 have a vested pension with the Steelworkers that you  
22 will be able to get at a certain age?

23 A. What about if I drop dead?

24 Q. I'm sorry. I didn't hear that.

# **EXHIBIT 100**

1           Q     Do you know if he had a position in the  
2     union?

3           A     (Through the Interpreter) No, I don't  
4     know. I don't remember. No, I don't believe so.

5           Q     Okay.

6                     During the time that you worked at  
7     Farnsworth Fibre, did you ever make a complaint or  
8     a grievance to Mr. Ortiz?

9           A     (Through the Interpreter) No.

10          Q     During the time that you worked at  
11     Farnsworth Fibre, did you ever attempt to contact  
12     the United Steelworkers of America office or Local  
13     421-U's office in order to make a complaint or a  
14     grievance?

15          A     (Through the Interpreter) No, no.

16          Q     During the time that you were employed at  
17     Farnsworth Fibre, was there ever a time that you  
18     believe that the company did not pay you any pay or  
19     benefits that you were legally entitled to?

20          A     (Through the Interpreter) No.

21          Q     Which shift did you work?

22          A     (Through the Interpreter) From 2:30 until  
23     10:30, the second shift.

24          Q     Okay.

# **EXHIBIT 101**

1 plant.

2 MR. LICHTEN: Objection.

3 A. God, can you imagine a person without a job  
4 having to pay rent, my children, having to  
5 support my children. It was something  
6 strong. And right now jobs are not very  
7 easy to obtain, to get. What unemployment  
8 would give us was not enough, you see. I  
9 was depressed.

10 Q. What do you mean by "depressed"?

11 A. Depressed because of the situation without  
12 any money, without any job, without nothing.

13 MR. BERGER: Could I take a two-  
14 minute break.

15 (Recess taken)

16 Q. One of your co-workers said that the union  
17 treated the members here like dogs.

18 A. Yes, of course.

19 Q. Please explain to us why.

20 MR. LICHTEN: Move to strike.

21 A. Because their duty was, when they closed the  
22 factory, they didn't give us enough notice,  
23 enough time. They didn't offer us any other  
24 job. The union should have gotten us



## **EXHIBIT 102**

1 THE INTERPRETER: What about if I  
2 drop dead?

3 Q. My question is again: Do you understand whether or  
4 not you have a vested pension with the Steelworkers  
5 that you will be able to draw on at a certain age?

6 THE INTERPRETER: If I may?

7 MR. LICHTEN: Yeah.

8 THE INTERPRETER: He might not  
9 understand the translation for the word "vested."  
10 Unless you change your word, I couldn't change it,  
11 so I just wanted you to --

12 Q. Do you understand that at a certain -- when you  
13 reach a certain age, you will be able to get a  
14 pension from the Steelworkers pension fund?

15 A. On this case, that's why I got this attorney so, you  
16 know, you have to tell my attorney what you want  
17 because look, after the unemployment money that they  
18 gave me was over, I ended up going through a lot of  
19 troubles and hunger for almost a year, and I owe all  
20 of that to them.

21 Q. It's very important that you try to answer my  
22 questions.

23 My question right now is: Do you  
24 know whether or not you have retirement money that

1 A. No.

2 Q. Where are you from?

3 A. Santo Domingo.

4 MR. LICHTEN: That's all I have.

5 EXAMINATION BY MR. BERGER:

6 Q. You had mentioned that you were hungry. Can you  
7 tell us what the effects were of being hungry?

8 MR. LICHTEN: Objection.

9 A. I was very nervous. First of all, didn't have a  
10 job.

11 MR. LICHTEN: Move to strike.

12 A. I didn't have a penny to buy food nor pay rent. I  
13 wanted to go back home to sort of do something, but  
14 I didn't have any money to buy the ticket to go  
15 there. Someone -- a friend of mine said to me -- he  
16 gave me help. He gave me shelter. He said to me,  
17 Come over here. He gave me a home, a roof, and he  
18 gave me food. And once in a while, he would just  
19 give me, like \$10, \$5, \$20. And then a friend of  
20 mine that I would see on the street said to me,  
21 Here. Here's a couple of bucks.

22 I didn't have any money to send my  
23 children, my sons, or my mother back in Santo  
24 Domingo. I had to borrow money from someone. It

# **EXHIBIT 103**

1 my hand and took my hand away.

2 Q. And is it fair to say that you are missing  
3 one of your digits at a halfway point?

4 A. Yes, and this one other next to it attached  
5 to the side.

6 Q. It was sewed back on?

7 A. Yes.

8 Q. And you wouldn't mind if we took a  
9 photograph at some point, would you?

10 MR. LICHTEN: Objection.

11 A. Fine.

12 Q. Now, you had indicated that you liked the  
13 job and you wanted to stay. What did the  
14 union do to help you stay at your job?

15 A. No, they didn't do anything. And they left  
16 other people working there that had been  
17 there less time than I was.

18 Q. Did the union ever let you know they were  
19 having meetings of other members of --  
20 strike that. Did the union ever tell you or  
21 notify you in any way about quarterly  
22 meetings?

23 A. No.

24 Q. When you were supervising the ten people,

1 did the union ever provide you with any  
2 information about proper supervision?

3 MR. LICHTEN: Objection.

4 A. No.

5 Q. Now, there appears to be some disagreement  
6 here about whether Riquito Ortiz did his job  
7 properly.

8 MR. LICHTEN: Objection.

9 Q. Do you have an opinion about that?

10 A. He was a good worker.

11 Q. And did he do the best he could to protect  
12 your interests with the union?

13 MR. LICHTEN: Objection.

14 A. Yes, sir.

15 Q. Do you believe it was because you are  
16 Hispanic that the union did not invite you  
17 to meetings or otherwise protect you?

18 MR. LICHTEN: Objection.

19 A. Yes.

20 Q. Now, you have been out of work since the  
21 plant closing; is that correct?

22 A. Yes.

23 Q. During this period of time, have you been  
24 suffering emotionally?

1 A. Yes.

2 Q. Please explain to us how.

3 A. I can't sleep at night. Things are not the  
4 same. I don't feel well.

5 Q. Do you feel humiliated about being on  
6 welfare?

7 A. Yes, exactly.

8 Q. Now, during, basically, your entire work  
9 life, you have been a member of the union,  
10 haven't you?

11 A. Yes.

12 Q. That union is the Steelworkers; is that  
13 correct?

14 A. Yes.

15 Q. And is it your opinion that the union failed  
16 you because you are Hispanic?

17 MR. LICHTEN: Objection.

18 A. Yes.

19 Q. And one of your colleagues said that you  
20 were treated like dogs. Do you agree with  
21 that characterization?

22 MR. LICHTEN: Objection.

23 A. Yes.

24 Q. During the entire period that you worked at

1           the plant, did the union ever observe your  
2           workplace?

3    A.    No, not that I know of.

4    Q.    They would just go into the headquarters  
5           where the bosses were?

6                   MR. LICHTEN:  Objection.

7    A.    Yes, to the office.

8    Q.    Did you form an opinion as to whether you  
9           thought, to use the parlance, the union was  
10          in the pocket of the company?

11                   MR. LICHTEN:  Objection.

12   A.    Yes.

13   Q.    What was your opinion?

14                   MR. LICHTEN:  Objection.

15   A.    Yes, because every time they would come  
16          over, they would go straight only to their  
17          office.  And then they would send someone to  
18          tell us, stop all the machines and make sure  
19          that everybody comes down, and then a guy  
20          from the union would come down.  They would  
21          stop the machines, make us come all the way  
22          down.  Then when we went down, the people  
23          from the union would go in there, and they  
24          would be speaking to them.



## **EXHIBIT 104**

1 looked for work?

2 A. I looked for a job, but no one wants to give  
3 me a job because of my age.

4 Q. How long did you work at Farnsworth Fibre  
5 for?

6 A. 25 years.

7 Q. And did you like your job there?

8 A. Yes, I liked it.

9 Q. And what was your rate of pay when you  
10 stopped working at Farnsworth Fibre?

11 A. \$10.25.

12 Q. And what was your job? What did you do?

13 A. I did all of the jobs there.

14 Q. Did you work much overtime?

15 A. Yes.

16 Q. When you worked overtime, were you paid  
17 overtime pay for that?

18 A. There were people that would say that they  
19 would not pay enough.

20 Q. Did you ever check your paycheck to see if  
21 they were paying you the proper amount of  
22 overtime when you worked overtime?

23 A. Yes.

24 Q. Did you ever find that there were times when

1 retirement. People from the Social Security  
2 Administration, they would send me my check,  
3 but I was working.

4 Q. So you, basically, enjoyed that job, and you  
5 were going to literally be there to the day  
6 you died or the day they threw you out?

7 A. Of course, yes. I like my job.

8 Q. When you received two weeks' notice that the  
9 plant was closing, and when the African-  
10 American and the Spanish lady came down, did  
11 you feel from the conversation that they  
12 were to trying to save the plant or keep  
13 your jobs from being lost?

14 MR. LICHTEN: Objection.

15 A. They didn't speak to us about anything,  
16 like, look for a job or anything. They only  
17 said to us, "Look, they are going to close  
18 the company."

19 Q. Had the United Steelworkers or Local 421  
20 done something and offered you a job  
21 somewhere else to relocate, were you willing  
22 to do that or not?

23 MR. LICHTEN: Objection.

24 A. Yes, it was convenient for me, but, yes.

1           There was like a family there. I had been  
2           working there like 25 years.

3       Q.    You felt that the plant that you were at,  
4           Farnsworth Fibre, was a family to you?

5       A.    Yes, in my job. Yes, in my job the  
6           friendships that I had there at the job,  
7           yes.

8       Q.    Final question. Can you explain how you  
9           feel that the United Steelworkers of America  
10          or Local 421-U did not protect your  
11          interests or let you down or affected you  
12          with the plant closing when it did?

13                   MR. LICHTEN: Objection.

14       A.    I felt very badly. Yes, I felt so badly.  
15           The last thing I did, I even left there. I  
16           didn't even want to be around. I didn't  
17           want to pass by. I didn't want to be  
18           around. I live in Miami now.

19                   MR. DIAZ: Thank you. I have no  
20           further questions.

21

22                   EXAMINATION BY MR. BERGER:

23

24       Q.    Were you aware that the union had meetings

## **EXHIBIT 105**

1                   What did you get from the union for  
2 your payment?

3           A       (Through the Interpreter) To me, they  
4 never gave me anything.

5           Q       To what extent do you feel that they --  
6 that the union got to treat you like dogs, as one  
7 of the earlier witnesses said, because you were  
8 Hispanic?

9                   MR. LICHTEN: Objection. Move to  
10 strike.

11           A       (Through the Interpreter) I feel bad  
12 because I was paying the union so they could, you  
13 know, back me up, support me all the time; and  
14 towards the end when they closed the factory, the  
15 union never did anything for us.

16           Q       What's your age?

17           A       (Through the Interpreter) Forty-two years  
18 old.

19           Q       What town are you from?

20           A       (Through the Interpreter) In Brockton.

21           Q       And where did you live -- are you  
22 originally from Puerto Rico?

23           A       (Through the Interpreter) Yes, I am from  
24 Puerto Rico.

1           A       (Through the Interpreter) Because right  
2 now, I don't have the job that I had before. I'm  
3 not making the same money. I'm not making the same  
4 thing.

5                       I have five kids at home total, and  
6 everything, all my bills, are like overdue and  
7 everything, and I'm doing really bad now.

8           Q       So has this job loss and the failure of  
9 the union to protect you caused you to lose sleep?

10                   MR. LICHTEN: Objection and move to  
11 strike.

12                   MR. BERGER: It's one of the elements  
13 of our claim.

14                   MR. LICHTEN: It's the fact that  
15 every question you ask is a leading question.  
16 That's my problem with your questions.

17                   MR. BERGER: We're in discovery.  
18 We're not at trial, counsel.

19                   THE INTERPRETER: I'm sorry, could  
20 you repeat the question, please?

21                   MR. BERGER: Yes.

22 BY MR. BERGER:

23           Q       Has the failure of the union to protected  
24 you caused you to lose sleep?

1 MR. LICHTEN: Objection.

2 A (Through the Interpreter) Yes. Plus I  
3 also have a lot of problems in my home.

4 Q Has it affected -- I mean, do you feel  
5 depressed?

6 A (Through the Interpreter) Yes, I feel  
7 depressed.

8 Q Okay.

9 MR. BERGER: No further questions.

10

11 FURTHER EXAMINATION

12 BY MR. LICHTEN:

13 Q What is -- your current job pays what?

14 A (Through the Interpreter) \$9.

15 Q Okay.

16 So your current job pays a \$1.35 an  
17 hour less than you were making at Farnsworth Fibre?

18 A (Through the Interpreter) Yes.

19 Q Okay.

20 When you were at Farnsworth Fibre,  
21 were you aware that the company paid two percent  
22 above your salary into a pension fund for you?

23 A (Through the Interpreter) No.

24 Q Okay.



## **EXHIBIT 106**

1 a copy of the union contract in Spanish?

2 A. I wasn't working when they gave that thing. I was  
3 laid off.

4 Q. You said you were "laid off." When were you laid  
5 off?

6 A. When they drew the new contract, the union, the last  
7 contract that they did.

8 Q. Right. See if I understand. The last contract was  
9 negotiated in the fall around November of 2002.  
10 Were you working then or were you on layoff?

11 A. A group of us were laid off.

12 Q. And when were you recalled?

13 A. I don't remember. Like a month or month and a half  
14 later or something.

15 Q. I see. And were you aware that there was a -- that  
16 the contract had been translated into Spanish and  
17 had been given to some of the employees?

18 A. Yes, yes.

19 MR. LICHTEN: That's all I have.

20 EXAMINATION BY MR. BERGER:

21 Q. Did you know that the union had four meetings a year  
22 for the membership?

23 A. No.

24 Q. Did you know -- did the union have a bulletin board

1           where it put up its notices about any union  
2           activities?

3       A.    No.

4       Q.    Do you believe Mr. Ortiz tried to help you?

5                   MR. LICHTEN:  Objection.

6       A.    Yes.  He tried, but the union didn't do anything.

7       Q.    The union doesn't agree with that, I think it's safe  
8           to say.

9                   MR. LICHTEN:  Objection.

10      Q.    Can you try to explain why you feel that way?

11                   MR. LICHTEN:  Objection.

12      A.    They didn't do anything because they just left us  
13           like that, you know, with just the unemployment and  
14           that's it.  We left there, everybody, like, around  
15           November 14th.  And then a group was thrown out or  
16           they took them out a week before, and they didn't  
17           even pay them for that week to those guys, either.  
18           You know, like me, they have family, they have  
19           children.  And they didn't do anything, nothing,  
20           nothing.  The medical benefits on the 14th, they  
21           canceled everything.

22      Q.    Well the union seems to believe that in connection  
23           with these fires, these persistent fires, that it  
24           was Ortiz who didn't do what he should do about

## **EXHIBIT 107**

1 A. No.

2 Q. Now, in the plant were there fires constantly?

3 A. Oh, yes.

4 Q. And in the plant, was there dust flying around?

5 A. Too much, a lot.

6 Q. In the plant, did people lose fingers?

7 A. Yes.

8 Q. And how many fingers were lost in this plant?

9 MR. LICHTEN: Objection.

10 A. I just remember one person that lost two fingers.

11 Q. And how many faces were cut and scarred?

12 MR. LICHTEN: Objection.

13 A. I don't remember.

14 Q. Do you have any reason to believe that the union was  
15 not aware of the fires or the cuts or the people who  
16 lost fingers?

17 MR. LICHTEN: Objection.

18 A. I'm not sure.

19 Q. Well, what safety -- what did the union -- well,  
20 strike that,

21 Did the union have a bulletin board  
22 for posting notices?

23 A. No.

24 Q. Did the union ever give you any notices of meetings?

1 A. No.

2 Q. Did the union -- let me just ask it this way: Do  
3 you believe that the union discriminated against  
4 you?

5 MR. LICHTEN: Objection.

6 A. Absolutely.

7 Q. When and how?

8 A. I think that they discriminated against us because  
9 first of all, they didn't help us. Also, we were  
10 not -- they didn't tell us when the company was  
11 going to close. And every time there was some sort  
12 of a -- we had to draw up a contract or some sort of  
13 complication, they would always go to the office,  
14 their office, and spend a long time there. And then  
15 afterwards when they would come to us, they would  
16 say, "Oh, you know what? Whatever the company  
17 says."

18 Q. Now, where were you born and raised?

19 A. Puerto Rico.

20 Q. Where in Puerto Rico?

21 A. Yabucco, Puerto Rico.

22 Q. Were you treated differently there than you were in  
23 this plant?

24 MR. LICHTEN: Objection.

## **EXHIBIT 108**

1           A     (Through the Interpreter) Each month on  
2 the first of the month.

3           Q     So it was \$31 a month?

4           A     (Through the Interpreter) Yes.

5           Q     Okay.

6                     So about \$7 or \$8 a week were your  
7 union dues?

8           A     (Through the Interpreter) Maybe.

9           Q     Now, was there a union bulletin board at  
10 work?

11          A     (Through the Interpreter) No.

12          Q     And do you recall your receiving an extra  
13 check after the company closed as a result of the  
14 union negotiating a settlement of a grievance that  
15 you were involved in where you were laid off on the  
16 second shift before the first shift?

17          A     (Through the Interpreter) No.

18                     MR. LICHTEN: That's all I have.

19                     MR. BERGER: I'd like to just stay  
20 within the scope of what you were asking.

21

22                     FURTHER EXAMINATION

23          BY MR. BERGER:

24          Q     I'd like to try to refresh your



## **EXHIBIT 109**

1 Thank you.

2 EXAMINATION BY MR. BERGER:

3 Q. Did the union provide notices at your plant?

4 A. I don't understand.

5 Q. Okay. Did the union have a board where they put up  
6 notices?

7 A. No.

8 Q. Did the company have notices about Worker's Comp  
9 rights?

10 A. No.

11 Q. The same for OSHA?

12 THE INTERPRETER: If I may, when you  
13 say, "The same for Osha" --

14 Q. Was there any notices about OSHA?

15 A. No.

16 Q. Now, you said earlier that the doctors didn't tell  
17 you about the injuries being caused by work. Is  
18 that roughly what you said?

19 A. Well, the only thing the doctor asked me is that if  
20 I worked with chemicals, and I said yes.

21 Q. And the doctor, I take it, wrote a lot of reports?

22 A. No.

23 Q. Did he write some reports for you when you applied  
24 for social security?

## **EXHIBIT 110**

1 to the office first and would talk to the people in  
2 the office. And for instance, we would ask for,  
3 like, a dollar raise or something like that, they  
4 would say no, no. We'll give them 15, 20 cents.

5 Q. Okay. And do you think this was as a result of the  
6 fact that the workforce was entirely Hispanic?

7 MR. LICHTEN: Objection.

8 A. Yes.

9 Q. Now, at any time, did the union invite any of you  
10 Hispanic workers to their quarterly -- excuse me.

11 Did the union ever invite you or any  
12 of your Spanish coworkers to their quarterly  
13 meetings?

14 A. No.

15 Q. Why not?

16 A. That I know of, because they would negotiate amongst  
17 themselves.

18 Q. Now, did the union ever put up bulletin board for  
19 you to give you information about anything?

20 A. No.

21 Q. Did the union provide any assistance to you about  
22 the people who had suffered injuries like loss of  
23 fingers, cutting of the face, and this kind of  
24 thing?

# **EXHIBIT 111**

1                   Now, was there a bulletin board for  
2 union activities?

3           A       (Through the Interpreter) No.

4           Q       Okay.

5                   Was there anything circulated by the  
6 union to you about exercising your rights in the  
7 plant?

8           A       (Through the Interpreter) There was  
9 something. There was some sort of pamphlet or some  
10 booklet in English, but they didn't give it to us.

11                   They gave us half, the first half  
12 first, after it was translated, and then later they  
13 gave us the rear, ending.

14          Q       Okay.

15                   Now, when you -- how many inches was  
16 the cut on your face?

17          A       (Through the Interpreter) I don't  
18 remember, but a mark right here, around there  
19 (indicating).

20          Q       Did you bleed extensively when you got  
21 cut?

22          A       (Through the Interpreter) Yes.

23          Q       And how did the accident happen?

24          A       (Through the Interpreter) I had informed

## **EXHIBIT 112**

1           behalf?

2       A.     No.

3       Q.     Were you friendly with Mr. Ortiz, Jose  
4           Ortiz?

5       A.     He was a co-worker.

6       Q.     Did you ever go and do anything with him  
7           outside of work?

8       A.     No.

9                       MR. LICHTEN: That's all I have.

10                      MR. DIAZ: No questions for me.

11

12                      EXAMINATION BY MR. BERGER:

13

14       Q.     Was there any bulletin board at the plant  
15           that you were aware of that posted union  
16           notices?

17       A.     Yes. They put something like a sign, a sign  
18           right next to a clock.

19       Q.     What did the sign say?

20       A.     I never read it because I was always  
21           working, rushing going back and forth.

22       Q.     What language was it in?

23       A.     It was in English.

24       Q.     And was it labeled "United Steelworkers"?



# **EXHIBIT 113**

1 Q. Now, did he recruit you?

2 A. Yes. He told me that they needed people to  
3 work there.

4 Q. When you first arrived, did you fill out any  
5 paperwork for the United Steelworkers?

6 A. Yes.

7 Q. Were those pension forms?

8 A. Yes. We would fill out, yes.

9 Q. And do you recall that those pension forms  
10 went to Pittsburgh, Pennsylvania?

11 A. I don't know.

12 Q. Now, were you ever invited to any meetings  
13 of Local 421 of the United Steelworkers of  
14 America?

15 A. No, I never received anything.

16 Q. Did they have a place where they posted  
17 notices at the plant at Sherman-Feinberg?

18 A. If they put any papers there, I don't know.  
19 Since I don't speak English, I never  
20 actually checked.

21 Q. There was nothing in Spanish?

22 A. No.

23 Q. In 1995, what kind of work did you do?

24 A. This thing with the machinery, the same

## **EXHIBIT 114**

1 earlier, you were never aware of the fact  
2 that Local 421-U had merged or been taken  
3 over by the United Steelworkers of America;  
4 is that fair to say or not?

5 A. No, nothing, no.

6 Q. I want to concentrate on the last five years  
7 that you were employed there. Were there  
8 any postings anywhere throughout the plant,  
9 be it in Spanish or English, that indicated  
10 that you were, in fact, being represented by  
11 the United Steelworkers of America?

12 A. No.

13 Q. You indicated earlier that you had a number  
14 for Local 421-U in Philadelphia; is that  
15 correct?

16 A. Yes.

17 Q. At any stage prior to Ms. Masiel, who was  
18 the representative, came down with Mr.  
19 Lowell Alexander, the African-American, or  
20 prior to, let's say, September of the year  
21 that the plant closed, prior to that, had  
22 anyone told you that there was a number you  
23 can call the United Steelworkers of America  
24 if you had a complaint or wanted to bypass a

## **EXHIBIT 115**

1 A. I couldn't tell you. I am not clear on  
2 that.

3 Q. Was it a notice from the workers'  
4 compensation board?

5 A. It was something similar, but I am not clear  
6 about it.

7 Q. Did you ever get invited to the quarterly  
8 meetings of the Steelworkers?

9 A. No, never.

10 MR. BERGER: No further questions.

11 MR. LICHTEN: Nothing further.

12 Thank you.

13 (Whereupon the deposition was  
14 concluded at 11:57 a.m.)  
15  
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## **EXHIBIT 116**

1 Q. Now, did he recruit you?

2 A. Yes. He told me that they needed people to  
3 work there.

4 Q. When you first arrived, did you fill out any  
5 paperwork for the United Steelworkers?

6 A. Yes.

7 Q. Were those pension forms?

8 A. Yes. We would fill out, yes.

9 Q. And do you recall that those pension forms  
10 went to Pittsburgh, Pennsylvania?

11 A. I don't know.

12 Q. Now, were you ever invited to any meetings  
13 of Local 421 of the United Steelworkers of  
14 America?

15 A. No, I never received anything.

16 Q. Did they have a place where they posted  
17 notices at the plant at Sherman-Feinberg?

18 A. If they put any papers there, I don't know.  
19 Since I don't speak English, I never  
20 actually checked.

21 Q. There was nothing in Spanish?

22 A. No.

23 Q. In 1995, what kind of work did you do?

24 A. This thing with the machinery, the same



## **EXHIBIT 117**

1 a copy of the union contract in Spanish?

2 A. I wasn't working when they gave that thing. I was  
3 laid off.

4 Q. You said you were "laid off." When were you laid  
5 off?

6 A. When they drew the new contract, the union, the last  
7 contract that they did.

8 Q. Right. See if I understand. The last contract was  
9 negotiated in the fall around November of 2002.

10 Were you working then or were you on layoff?

11 A. A group of us were laid off.

12 Q. And when were you recalled?

13 A. I don't remember. Like a month or month and a half  
14 later or something.

15 Q. I see. And were you aware that there was a -- that  
16 the contract had been translated into Spanish and  
17 had been given to some of the employees?

18 A. Yes, yes.

19 MR. LICHTEN: That's all I have.

20 EXAMINATION BY MR. BERGER:

21 Q. Did you know that the union had four meetings a year  
22 for the membership?

23 A. No.

24 Q. Did you know -- did the union have a bulletin board

1           where it put up its notices about any union  
2           activities?

3       A.    No.

4       Q.    Do you believe Mr. Ortiz tried to help you?

5                       MR. LICHTEN:  Objection.

6       A.    Yes.  He tried, but the union didn't do anything.

7       Q.    The union doesn't agree with that, I think it's safe  
8           to say.

9                       MR. LICHTEN:  Objection.

10      Q.    Can you try to explain why you feel that way?

11                      MR. LICHTEN:  Objection.

12      A.    They didn't do anything because they just left us  
13           like that, you know, with just the unemployment and  
14           that's it.  We left there, everybody, like, around  
15           November 14th.  And then a group was thrown out or  
16           they took them out a week before, and they didn't  
17           even pay them for that week to those guys, either.  
18           You know, like me, they have family, they have  
19           children.  And they didn't do anything, nothing,  
20           nothing.  The medical benefits on the 14th, they  
21           canceled everything.

22      Q.    Well the union seems to believe that in connection  
23           with these fires, these persistent fires, that it  
24           was Ortiz who didn't do what he should do about

## **EXHIBIT 118**

1 Q. When was that?

2 A. I believe it was in 1999.

3 Q. And where did you live?

4 A. I don't remember the address well, but I think it  
5 was in Dorchester.

6 Q. Now, do you feel that the union acted in a  
7 discriminatory way when you worked at Farnsworth  
8 Fibre?

9 MR. LICHTEN: Objection.

10 A. Would you repeat the question again, please.

11 Q. Was everybody at Farnsworth Hispanic?

12 A. Yes.

13 Q. And did the union do anything for you the entire  
14 time you were at Farnsworth?

15 MR. LICHTEN: Objection.

16 Q. Did they post --

17 THE INTERPRETER: I'm sorry. I  
18 didn't get to translate the answer.

19 A. No, that I know of. They didn't do anything.

20 Q. Did they tell you about their meetings four times a  
21 year?

22 A. No.

23 Q. So they didn't invite you to any of them?

24 A. No.

## **EXHIBIT 119**

1 Q Okay.

2 And do you know, if you know, do you  
3 know if Mr. Ortiz ever contacted anyone from the  
4 Steelworkers about this problem with this machine?

5 A (Through the Interpreter) No, I never  
6 knew anything about it.

7 Q All right.

8 Did you receive any workers'  
9 compensation for the injury to your face?

10 A (Through the Interpreter) No.

11 Q Were you aware that every several months,  
12 there would be a union meeting of Local 421-U?

13 A (Through the Interpreter) Yes. I would  
14 only see the people from the union every time the  
15 contract was renewed.

16 Q Okay. I think I'm asking a slightly  
17 different question.

18 My question is were you aware that  
19 the union, Local 421-U, held union meetings every  
20 three months?

21 A (Through the Interpreter) No, no.

22 Q Do you recall being at a union meeting --  
23 strike that.

24 Do you recall being at a meeting of

# **EXHIBIT 120**



1 taking the pills and I'm not there.

2 Q. Did you go to the doctor because you were spitting  
3 blood?

4 A. Yes.

5 Q. And who is your doctor?

6 A. Manfio, M-A-N-F-I-O.

7 Q. Now, when you were working there, did the union ever  
8 supervise -- did the union even look at where you  
9 worked?

10 A. No.

11 Q. Were you aware that they had meetings four times a  
12 year?

13 A. No, because I was working the night shift. And if  
14 they would come, they would come in the morning at  
15 10.

16 Q. Do you have any other friends who spit blood?

17 MR. LICHTEN: Objection.

18 A. No. On the second floor, they would do some testing  
19 for people's lungs with some sort of pump on the  
20 second floor. To the people upstairs, they would do  
21 this testing, but they wouldn't test me.

22 Q. Why not?

23 A. I don't know.

24 Q. Now, during the entire period you were there, did

# **EXHIBIT 121**

1 my hand and took my hand away.

2 Q. And is it fair to say that you are missing  
3 one of your digits at a halfway point?

4 A. Yes, and this one other next to it attached  
5 to the side.

6 Q. It was sewed back on?

7 A. Yes.

8 Q. And you wouldn't mind if we took a  
9 photograph at some point, would you?

10 MR. LICHTEN: Objection.

11 A. Fine.

12 Q. Now, you had indicated that you liked the  
13 job and you wanted to stay. What did the  
14 union do to help you stay at your job?

15 A. No, they didn't do anything. And they left  
16 other people working there that had been  
17 there less time than I was.

18 Q. Did the union ever let you know they were  
19 having meetings of other members of --  
20 strike that. Did the union ever tell you or  
21 notify you in any way about quarterly  
22 meetings?

23 A. No.

24 Q. When you were supervising the ten people,

## **EXHIBIT 122**

1 to the office first and would talk to the people in  
2 the office. And for instance, we would ask for,  
3 like, a dollar raise or something like that, they  
4 would say no, no. We'll give them 15, 20 cents.

5 Q. Okay. And do you think this was as a result of the  
6 fact that the workforce was entirely Hispanic?

7 MR. LICHTEN: Objection.

8 A. Yes.

9 Q. Now, at any time, did the union invite any of you  
10 Hispanic workers to their quarterly -- excuse me.

11 Did the union ever invite you or any  
12 of your Spanish coworkers to their quarterly  
13 meetings?

14 A. No.

15 Q. Why not?

16 A. That I know of, because they would negotiate amongst  
17 themselves.

18 Q. Now, did the union ever put up bulletin board for  
19 you to give you information about anything?

20 A. No.

21 Q. Did the union provide any assistance to you about  
22 the people who had suffered injuries like loss of  
23 fingers, cutting of the face, and this kind of  
24 thing?

# **EXHIBIT 123**

1 MR. LICHTEN: Objection to the form.

2 A. None.

3 Q. And did they offer any programs after the closing of  
4 the plant?

5 THE INTERPRETER: If I may, when you  
6 say "programs," a program is like a TV program.

7 MR. BERGER: Okay. You know,  
8 follow-up protections.

9 A. No.

10 Q. Now, within the plant, the whole time you were  
11 there, were there notices of union activities or  
12 notices of union warnings or anything along those  
13 lines?

14 A. No.

15 Q. And were you, in any way, aware of meetings four  
16 times a year of the local union?

17 A. You mean with us?

18 Q. Yeah.

19 A. No. I don't remember them doing those.

20 MR. BERGER: I have no further  
21 questions.

22 (Deposition concluded at 9:40 a.m.)  
23  
24

## **EXHIBIT 124**



1 interpreter words to the effect that if anyone had  
2 a problem or a concern, they could contact him?

3 A (Through the Interpreter) No.

4 Q Okay.

5 Were you aware that the Local Union  
6 421-U had meetings every three months?

7 A (Through the Interpreter) No.

8 Q Okay.

9 Did you ever try to go to any union  
10 meeting?

11 A (Through the Interpreter) No. But when  
12 Martinez was the shop steward, we went to this  
13 place, this location, but nobody explained anything  
14 to me.

15 Q Okay.

16 Do you recall -- where was the  
17 location you went to?

18 A (Through the Interpreter) In Brighton  
19 where the Lottery is.

20 Q And do you remember what the meeting is  
21 for?

22 A (Through the Interpreter) I think the  
23 meeting was about the raise that we wanted.

24 Q Okay.

1 know what was going on, but none of us, we didn't  
2 want to know anything about the union there,  
3 because the only thing that they took from us was  
4 our money. Money, that's it.

5 Q Well, let's be nice to the union now.

6 MR. LICHTEN: Objection.

7 Q At least with the Catholic Church, you  
8 know you had to be there every Sunday?

9 MR. LICHTEN: Objection.

10 Q But you didn't have to go to the union  
11 hall every Sunday?

12 MR. LICHTEN: Objection.

13 Q And, in fact, you had no idea when you --

14 MR. LICHTEN: Are there going to be  
15 answers to these questions or are there just going  
16 to be questions?

17 MR. BERGER: Go ahead.

18 A (Through the Interpreter) They never told  
19 me that I had to go -- where I had to go to these  
20 meetings.

21 Q Did the union ever tell you anything?

22 A (Through the Interpreter) Regarding what?

23 Q Okay.

24 Did they have a bulletin board where

## **FACT 125**

1 for the membership four times a year?

2 A. No.

3 Q. So I take it that you never received any  
4 literature or invitations to come to these  
5 meetings four times a year?

6 A. No.

7 Q. Now, you indicated that from 1986 until 2003  
8 that you stopped trying to work with the  
9 union; is that roughly correct?

10 MR. LICHTEN: Objection. He never  
11 said anything remotely like that.

12 A. No, I didn't.

13 Q. I will rephrase the question. So from 1986  
14 until 2003 you didn't pursue anything to be  
15 done by the union; is that correct?

16 A. No, because I felt they were going to fire  
17 me, because before I tried to protect the  
18 people there, you know, remember when I told  
19 you about the borax thing.

20 Q. So is it also true, maybe within that idea,  
21 that you felt it was futile to contact the  
22 union during that long period of time?

23 MR. LICHTEN: Objection.

24 A. Of course.

## **EXHIBIT 126**

1 did the union ever provide you with any  
2 information about proper supervision?

3 MR. LICHTEN: Objection.

4 A. No.

5 Q. Now, there appears to be some disagreement  
6 here about whether Riquito Ortiz did his job  
7 properly.

8 MR. LICHTEN: Objection.

9 Q. Do you have an opinion about that?

10 A. He was a good worker.

11 Q. And did he do the best he could to protect  
12 your interests with the union?

13 MR. LICHTEN: Objection.

14 A. Yes, sir.

15 Q. Do you believe it was because you are  
16 Hispanic that the union did not invite you  
17 to meetings or otherwise protect you?

18 MR. LICHTEN: Objection.

19 A. Yes.

20 Q. Now, you have been out of work since the  
21 plant closing; is that correct?

22 A. Yes.

23 Q. During this period of time, have you been  
24 suffering emotionally?

## **EXHIBIT 127**

1 A (Through the Interpreter) No.

2 Q Did they ever offer you at any time prior  
3 to your being notified of the plant closings any  
4 opportunity for job training, for advancement or to  
5 move somewhere else where the union may have had  
6 jobs, let's say, Cleveland, Ohio, or any other part  
7 of the country?

8 A (Through the Interpreter) No.

9 Q Okay.

10 I suppose the next question may not  
11 be allowed, but let me ask it anyway.

12 Were you in a position where if the  
13 United Steelworkers of America had notified you  
14 when the plant was closing that there was work in  
15 another place, were you able to relocate?

16 A (Through the Interpreter) Yes.

17 Q Okay.

18 MR. DIAZ: No further questions.

19 MR. LICHTEN: I have a few more  
20 questions, just to follow up.

21  
22 FURTHER EXAMINATION

23 BY MR. LICHTEN:

24 Q What training are you claiming the